

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

426A0142

## SENATE BILL NO. 131

Introduced by: Senators Lange, Hunhoff, Lawler, and Reedy and Representatives Collier, Belatti, Fitzgerald, Gleason, Hassard, Kazmerzak, Kooistra, Lee, Schrempp, and Weber

1 FOR AN ACT ENTITLED, An Act to provide for the temporary surrender of motor vehicles  
2 if the operator fails to provide proof of insurance.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 32-35-114 be amended to read as follows:

5 32-35-114. Every person who drives a motor vehicle, required to be registered in this state,  
6 if requested by a law enforcement officer as a secondary action when the driver of the vehicle  
7 is detained for a suspected violation of Title 32 or some other offense, shall provide evidence of  
8 financial responsibility. If the driver is unable to provide evidence of financial responsibility, the  
9 officer may require the driver to cease operation of the vehicle and to surrender the keys to the  
10 vehicle to the officer until the driver or the owner provides evidence of financial responsibility  
11 as provided in §32-35-117.

12 Section 2. That § 32-35-116 be amended to read as follows:

13 32-35-116. If a driver of a motor vehicle required to be registered in the state is cited for a  
14 violation of Title 32 or is involved in a reportable motor vehicle accident, the driver of the motor  
15 vehicle shall furnish written evidence of financial responsibility upon request of the law

1 enforcement officer issuing the citation or investigating the accident. The law enforcement officer  
2 shall indicate whether the driver has produced evidence of financial responsibility on the citation  
3 and shall write the driver's evidence of financial responsibility on the accident report. If the driver  
4 fails to provide evidence of financial responsibility at the time the citation or the accident report  
5 is issued, the law enforcement officer may issue the driver a citation for a violation of  
6 § 32-35-113 and may require surrender of the vehicle as provided in section 1 of this Act.

7 Section 3. That § 32-35-118 be amended to read as follows:

8 32-35-118. If a driver is stopped and requested to produce proof of financial responsibility  
9 does not do so, and is not the owner of that vehicle, but is operating that vehicle with the  
10 permission of the owner, the driver may not be cited, and the provisions of §§ 32-35-113 to  
11 32-35-122, inclusive, apply to the owner rather than the driver, except that the driver may be  
12 required to surrender the vehicle as provided in section 1 of this Act. A law enforcement officer  
13 having stopped such a vehicle operated by someone other than the owner shall take down the  
14 necessary information and turn it over to the state's attorney for possible prosecution against the  
15 owner. However, the prosecuting attorney shall request that a summons be issued pursuant to  
16 § 23A-2-2 rather than an arrest warrant.

17 However, the provisions of this section do not apply to any new or used motor vehicle dealer  
18 who in the course of ~~his~~ business may allow a customer to drive any new or used motor vehicle  
19 from ~~his~~ an inventory of vehicles.